



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,611	06/29/2001	Barney J. Auman	PAUMAB-CM	6803

7590

07/07/2003

FEHR LAW FIRM
Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, UT 84403

EXAMINER

MACKEY, JAMES P

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 07/07/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,611

Applicant(s)

AUMAN, BARNEY J.

Examiner

James Mackey

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 1722

1. The disclosure is objected to because of the following informalities: Applicant should update the status (including the patent number) of the copending application on page 2 of the specification.

Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pivar (U.S. Patent 3,825,395; Figure 1).

Pivar teaches a machine which comprises a shaft having a releasable connector 18, 19 attached thereto for connecting a mold 12 to the shaft, a means 24 for rotating the shaft about a first axis (which may be termed a “pitch axis”), and a means 23 for rotating the shaft about a second axis (which may be termed a “roll axis”) which is orthogonal to the first axis, the shaft extending substantially symmetrically about the point of rotation for the first axis. Note that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (e.g., “for manufacturing a capital for an architectural column”) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ2d 1647.

4. Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin (U.S. Patent 5,035,601; Figures 1-3).

Art Unit: 1722

Lin teaches a machine which comprises a shaft 6 having a releasable connector 62, 64 attached thereto for connecting a mold 8 to the shaft, a means 51 for rotating the shaft about a first axis (which may be termed a “pitch axis”), and a means 22 for rotating the shaft about a second axis (which may be termed a “roll axis”) which is orthogonal to the first axis, the shaft extending substantially symmetrically about the point of rotation for the first axis. Note that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (e.g., “for manufacturing a capital for an architectural column”) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ2d 1647.

5. Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bavers (U.S. Patent 3,596,324; Figures 1-3).

Bavers teaches a machine which comprises a shaft 108, 110 having a releasable connector 112, 114 attached thereto for connecting a mold 116 to the shaft, a means 98, 100 for rotating the shaft about a first axis (which may be termed a “pitch axis”), and a means 60, 92 for rotating the shaft about a second axis (which may be termed a “roll axis”) which is orthogonal to the first axis, the shaft extending substantially symmetrically about the point of rotation for the first axis. Note that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (e.g., “for manufacturing a capital for an architectural column”) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ2d 1647.

6. Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Friesen (U.S. Patent 4,695,244; Figures 1-2).

Art Unit: 1722

Friesen teaches a machine which comprises a shaft 20 having a releasable connector 23 attached thereto for connecting a mold to the shaft (col. 3, lines 48-49), a means 11, 16, 17 for rotating the shaft about a first axis (which may be termed a “pitch axis”), and a means 14 for rotating the shaft about a second axis (which may be termed a “roll axis”) which is orthogonal to the first axis, the shaft extending substantially symmetrically about the point of rotation for the first axis. Note that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (e.g., “for manufacturing a capital for an architectural column”) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ2d 1647.

7. Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mankowich et al. (U.S. Patent 3,347,971; the Figure).

Mankowich et al. teach a machine which comprises a shaft 13 having a releasable connector 14 attached thereto for connecting a mold 11 to the shaft, a means 15, 16 for rotating the shaft about a first axis (which may be termed a “pitch axis”), and a means 12 for rotating the shaft about a second axis (which may be termed a “roll axis”) which is orthogonal to the first axis, the shaft extending substantially symmetrically about the point of rotation for the first axis. Note that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (e.g., “for manufacturing a capital for an architectural column”) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ2d 1647.

8. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by von der Heide (U.S. Patent 3,683,062; Figures 1-9; col. 8, line 50-67, and col. 9, lines 16-32).

Art Unit: 1722

von der Heide teaches a machine which comprises a shaft 64 having a releasable connector 74 attached thereto for connecting a mold 23, 75 to the shaft (col. 7, lines 14-17), a means 24 for rotating the shaft about a first axis (which may be termed a "pitch axis"), a means 25 for rotating the shaft about a second axis (which may be termed a "roll axis") which is orthogonal to the first axis, and a means 112 for rotating the shaft about a third axis (which may be termed a "yaw axis") which is orthogonal to the first and second axes, the shaft extending substantially symmetrically about the point of rotation for the first axis. Note that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (e.g., "for manufacturing a capital for an architectural column") does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ2d 1647.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitavy et al. (U.S. Patent 4,764,322; Figures 1, 3 and 4; col. 4, lines 14-23) in view of any one of Pivar (U.S. Patent 3,825,395; Figure 1), Lin (U.S. Patent 5,035,601; Figures 1-3), Bavers (U.S. Patent 3,596,324; Figures 1-3), Friesen (U.S. Patent 4,695,244; Figures 1-2), Mankowich et al. (U.S. Patent 3,347,971; the Figure) and von der Heide (U.S. Patent 3,683,062; Figures 1-9; col. 8, line 50-67, and col. 9, lines 16-32).

Art Unit: 1722

Pitavy et al. disclose a rotational molding apparatus wherein a mold is rotated about three mutually orthogonal axes x, y and z (which may be termed "pitch", "roll" and "yaw" axes).

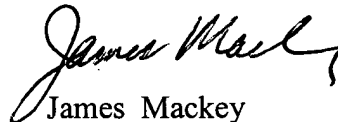
While Pitavy et al. do not explicitly disclose that the mold is mounted to a rotated shaft having a releasable connector attached thereto for connecting the mold to the shaft, such a mold support arrangement is conventional in the rotational molding art, as evidenced by any one of Pivar, Lin, Bavers, Friesen, Mankowich et al. and von der Heide. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pitavy et al. by providing a rotated shaft with a releasable connector attached thereto for connecting the mold to the shaft, since such were equivalent means for supporting the mold for rotation.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 703-308-1195. The examiner can normally be reached on M-F, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



James Mackey
Primary Examiner
Art Unit 1722

6/29/03

jpm
June 29, 2003